

CHAPTER 8.04

Refuse Collection

8.04.010 Title for citation.

This Chapter shall be known as the "Municipal Refuse Collection Code," may be cited as such, and will be referred to in this Chapter as "this Code." (Ord. 1146-99, 1999; Ord. 533 81; prior code §6.12)

8.04.020 Definitions.

For the purposes of this Code, the following terms, phrases, words and their derivations shall have the meaning given in this Section. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word *shall* is always mandatory and not merely directory.

Administrative authority means and is construed to be the City Manager or his or her designated representative.

Ashes means the residue from the burning of wood, coal, coke or other combustible materials.

City-licensed hauler means any person, firm or corporation licensed by the City to operate a business of collection, transporting or removing refuse, garbage or ashes within the City, in accordance with this Code.

Community facilities means and consists of churches, schools, or other noncommercial facilities, as defined by the City's zoning ordinance.

Garbage means all rejected or waste foods, fruit, kitchen or table refuse, swill, offal and any refuse, and decaying animal or vegetable matter not unfit for feed for swine.

Multifamily residence means a building occupied by two (2) or more families living independent of each other in separate units, but not including hotels or motels.

Refuse means all putrescible and nonputrescible solid wastes, except body wastes, including garbage, rubbish, ashes, street cleanings and solid market and industrial wastes.

Rubbish means nonputrescible solid wastes, excluding ashes, consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery and similar materials. (Ord. 1146-99; Ord. 533 81; prior code §6.12)

8.04.030 Applicability of provisions.

The provisions of this Code shall apply to all areas, territory, property, vacant lots and buildings within the City. (Ord. 1146-99; Ord. 533 81; prior code §6.12)

8.04.040 Enforcement – administrative authority powers and duties.

A. The administrative authority is hereby authorized and directed to administer and enforce all of the provisions of this Code. The administrative authority shall maintain public office hours necessary to

effectively administer the provisions of this Code and amendments thereto, and shall examine, observe, inspect and check all property in the City for violations of this Code.

B. Upon presentation of proper credentials, the administrative authority may enter, at reasonable times, any building, structure or premises in the City to perform any duty imposed by this Code, excluding living quarters. (Ord. 1146-99; Ord. 533 81; prior code §6.12)

8.04.050 License and bond – required.

It is unlawful for any person, firm or corporation to collect, transport or remove refuse, garbage or ashes within the City without first obtaining a license.

A. Applications for a license to operate a business of collecting, transporting or removing refuse, garbage or ashes shall be filed with the City Clerk and issued by the City Clerk upon approval.

B. There is assessed an annual license fee for each person, firm or corporation maintaining or operating a business of collecting, transporting or removing refuse, garbage or ashes within the City. Such fee is established by City Council by resolution. There shall be no pro rata of the license fee when issued for part of the year; each such license shall expire on December 31st of each year.

C. The licensee shall execute and deposit with the City clerk a bond in the amount of one thousand dollars (\$1,000), such bond to be conditioned that all work performed by the licensee, or under his or her supervision, shall be performed in accordance with the provisions of this Chapter and laws and ordinances of the City, and that he or she will pay all fines and penalties properly imposed upon him or her for violation of the provisions of this Chapter and laws and ordinances of the City, and to save the City harmless from damages arising from the workmanship or negligence of the licensee. All bonds required under the provisions of this Chapter shall expire on the 31st day of December next succeeding. (Ord. 1146-99; Ord. 307 §3, 1975)

8.04.060 Collection by unauthorized haulers prohibited.

A. The City, by and through its duly authorized agents, employees, contractors or City-licensed haulers, shall be the sole agency for the collection and disposal of refuse, and no person except such duly authorized agents, employees, contractors or City-licensed haulers shall collect or dispose of any refuse, whether his or her own or another's, within the City. Nothing in this Code shall relieve any contractor or hauler of the obligation of cleaning up premises after completion of his or her contract.

B. Nothing in this Code shall prevent an individual from hauling his or her own waste material, provided that it is properly disposed of in conformity with this Code. (Ord. 1146-99; Ord. 533-81; prior code §6.12)

8.04.070 Vehicles – type and equipment.

A. Every truck or vehicle used by a licensed hauler or individual for the collection, removal or transportation of refuse, garbage or ashes along the streets and alleys of the City shall be of the packer type variety, and shall be equipped with a tight metal lining and side frames, and with a flameproof tarpaulin or other cover so attached to such vehicle so as to prevent the loss of any of the contents therefrom.

B. Every vehicle used by a City-licensed hauler for the collection, removal or transportation of refuse, garbage or ashes within the City shall have affixed thereto or located within the vehicle a copy of the City license. (Ord. 1146-99; Ord. 533 81; prior code §6.12)

8.04.080 Collection service – provided by City.

The City or its agents, contractors or City-licensed haulers shall furnish refuse collection service as provided in this Code. The City Council may enter into a nonexclusive contract or agreement with any contractors or City-licensed haulers for the collection and disposal of refuse within the City, and issued by the City Clerk upon approval. (Ord. 1146-99; Ord. 533 81; prior code §6.12)

8.04.090 Use of system required – exceptions.

A. A refuse collection system shall be provided by the City or its contractor to all residences, community facilities and industrial and commercial establishments who use and provide thirty-gallon containers and require only weekly collection, except those who qualify and obtain an exemption from City services as provided in this Code. All others shall be served by the City-licensed collectors except those persons obtaining a permit as provided in this Code.

B. The City shall not compel industrial or commercial establishments, community facilities or multifamily residences of four (4) or more units to use or pay user fees for refuse collection services provided by the City or its contractor in preference to those services provided by a private person or hauler.

C. Any owner or operator of an industrial or commercial establishment, community facility or multifamily residence of four (4) or more units may exempt such establishment from City refuse collection services and service fees; however, such exemption shall not affect the obligation of the owner or operator to remove refuse from such establishment, facility or residence in accordance with this Code.

D. Any owner or tenant of a single family or multifamily residence of three (3) or less units may use another City-licensed hauler in lieu of refuse collection services provided by the City; however, such exemption shall not affect the obligation of the owner or tenant to pay the City refuse collection charges as provided for in Section 8.04.100 below, or to remove refuse from such residence in accordance with this Code.

E. Each trailer or mobile home unit located within a mobile home park shall be classified as an individual single-family unit, and therefore shall be serviced by the City collection system. In the alternative, the owner or operator of a mobile home park operation may elect to classify the entire park operation as a commercial establishment and thereby qualify for exemption from City collection services and service fees. Such exemption, however, shall not affect the obligation of the owner or operator to remove refuse from such mobile home park in accordance with this Code.

F. Applications for exemption to refuse collection service provided by the City shall be filed with the City Clerk. (Ord. 1146-99; Ord. 533 81; prior code §6.12)

8.04.100 Charges – establishment and enforcement.

A. The City Council shall, by resolution, establish charges for collection service provided by the City or its contractors under this Code, and prescribe the time and manner of payment of such charges, and adopt measures designed to enforce the payment thereof such as, in their discretion, are necessary or

desirable. Such charges and procedures, when adopted, shall be of the same force and effect as if incorporated in this Section.

B. The charge for City collection of refuse will be made at the same time as the charge for the water utility service offered and furnished by the City, and such refuse charge shall be due and payable at the same time and place as the charge for the water utility service is due and payable.

C. The charge for City refuse collection and the charge for water utility service are hereby declared to be parts of one (1) debt to the City insofar as the same affect any one (1) customer or consumer, and the refusal or failure to pay any part of such debt for any monthly period of service, in accordance with the rules and regulations established by the City Council, shall be sufficient cause for discontinuing water utility service and/or refuse collection.

D. The amount of charges for refuse collection service provided by the City shall be a lien upon the property served until the same is paid. In case of failure to pay the established charges for collection service by the owner or person having the occupancy, control or management of any premises, within thirty (30) days after the time prescribed for payment of such charges by the City Council, the City Clerk may certify such charges as assessed to the County Treasurer, to be placed on such tax list for the current year, to be collected in the same manner as other taxes are collected, with a ten-percent penalty to defray the cost of collection, as provided by the laws of the State. (Ord. 1146-99, 1999; Ord. 533 81, 1981; prior code §6.12)

8.04.110 Rules and regulations.

A. The City Council shall promulgate rules and regulations relating to the manner of preparing and accumulating refuse and waste material for collection; the type and kind of containers to be used for such accumulation; the manner of, use of and care for such containers; the location of pickup points, procedures, schedules and such other rules and regulations as, in their discretion, are necessary or desirable in the interest of maintaining efficiency and sanitary conditions in the refuse collection system and service within the City; and such rules and regulations, when promulgated, shall be of the same force and effect as if incorporated in this Section.

B. Every occupant of any house, hotel, restaurant, store building, flat, apartment or tenement in the City where persons reside, board, lodge or stay, or where animal or vegetable matter is prepared or served, shall provide and at all times maintain therefor in good condition one (1) or more sufficient, suitable container or receptacles for garbage. Hotels, restaurants and public places shall have sufficient receptacles to supply their needs adequately. Such garbage receptacles shall be watertight, made of substantial metal or plastic material, with an easy, close-fitting cover, and have a capacity of not less than ten (10) gallons. All persons keeping or using garbage cans shall keep the same in sound condition and clean, and shall wash the same as necessary, so as to ensure they will not attract flies or be filthy or ill-smelling. (Ord. 1146-99; Ord. 533 81; prior code §6.12)

8.04.120 Refuse accumulations and sanitary facilities – property owner or lessee responsibility.

A. It shall be the duty of every person, whether owner, lessee or renter of any vacant lot, building or premises, including any place of business, hotel, restaurant, dwelling house, apartment, tenement, mobile home or any other establishment, at all times, to maintain the premises in a clean and orderly condition, permitting no deposit or accumulation of refuse other than ordinarily attendant upon the use for which such premises are legally intended. Any such accumulation shall constitute a nuisance and a violation of this Code.

B. Every owner remains liable for violations of responsibilities imposed upon him or her by this Code, even though an obligation is also imposed on the occupants of his or her building or premises, and even though the owner has an agreement imposed on the occupant the duty of furnishing required equipment or of complying with this Code.

C. Every owner shall, where required by this Code, furnish and maintain such approved sanitary facilities as required for the prevention of insect and rodent infestation, or the pollution of air or water.

D. Every occupant shall be responsible for keeping his or her dwelling, structures or premises which he or she occupies and controls in a clean, safe and sanitary condition, and shall dispose of all his or her rubbish, refuse, garbage and other organic waste in a manner required by this Code. No person shall in any manner throw, place, scatter, deposit or bury any refuse in or upon any public street, alley or other public place, or upon his or her own premises or the premises of another.

E. No person shall burn combustible rubbish or garbage in any ash pit or can so as to produce odor or smoke therefrom.

F. No person shall molest, remove, handle or otherwise disturb any refuse containers, bags or baskets or contents, for servicing by the collector; provided that this Section shall not apply to the owner, occupant, lessee or tenant of the residence or dwelling so placing the containers and contents. (Ord. 1146-99; Ord. 533 81; prior code §6.12)

8.04.130 Refuse from business establishments.

A. Discarded automobile parts, refuse of all kinds, wool, hides, junkyard refuse, and packing house or slaughterhouse refuse shall be removed periodically from such respective establishments by the proprietor so that the premises are clean and orderly at all times.

B. Silt and similar deposits from automobile washracks shall be removed to an approved disposal site by the establishment creating such deposits.

C. Any accumulation of refuse that is highly explosive or inflammable, which might endanger life or property, shall be removed to such place as required by state law, such removal to be handled by the establishments therefor. (Ord. 1146-99; Ord. 533 81; prior code §6.12)

8.04.140 Violation – penalty.

Any person who violates any of the provisions of this Chapter is guilty of a violation of this Chapter and shall be punished as provided in Section 1.16.010 of this Code. (Ord. 1146-99; Ord. 533 81; prior code §6.12)